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*Attorneys for Plaintiff Blendtec Inc.*

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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**BLENDTEC INC.**, a Utah corporation,  
Plaintiff,

vs.

**BLENDJET, INC.**, a Delaware corporation,  
Defendant.

**FIRST STIPULATED MOTION TO  
AMEND SCHEDULING ORDER**

Civil No. 2:21-cv-00668-TC-DBP

Judge Tena Campbell

Magistrate Judge Dustin B. Pead

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Pursuant to Fed. R. Civ. P. 16(b)(4) and for good cause, Plaintiff Blendtec Inc. (“Blendtec”) and defendant BlendJet, Inc. (“BlendJet”), through counsel, hereby stipulate and jointly move the Court to modify the Court’s February 25, 2022 Scheduling Order (ECF No. 25). Contemporaneously herewith, the parties are filing a copy of the proposed First Amended Scheduling Order.

Since entry of the Scheduling Order, the parties have engaged in settlement discussions in an attempt to resolve this dispute. The parties agreed to pause discovery during the settlement discussion. Despite good faith efforts, the parties have not settled the dispute and will proceed with the litigation. Any ongoing settlement discussion will occur simultaneously with the litigation.

The parties stipulate that additional time will be necessary in order to provide time for them to complete discovery and prepare this case for trial. The parties hereby jointly move the Court and stipulate to an order extending the following deadlines in the schedule as follows:

<b>Date per Scheduling Order (ECF No. 25)</b>	<b>Stipulated New Date</b>	<b>Event</b>
June 28, 2022	July 12, 2022	Cutoff for filing motion to amend the pleadings or join additional parties
August 26, 2022	December 12, 2022	Last day to serve written discovery
October 13, 2022	January 27, 2023	Rule 26(a)(2) Expert disclosures (subject and identity of experts) – parties bearing the burden of proof
October 26, 2022	February 10, 2023	Close of fact discovery
November 3, 2022	February 10, 2023	Rule 26(a)(2) Expert disclosures (subject and identity of experts) – counter disclosures
December 7, 2022	March 10, 2023	Rule 26(a)(2) Expert Reports – parties bearing burden of proof
January 25, 2023	May 10, 2023	Rule 26(a)(2) Expert Reports – counter reports
February 22, 2023	June 9, 2023	Last day for expert discovery
April 5, 2023	July 21, 2023	Deadline for filing dispositive or potentially dispositive motions including <i>Daubert</i>

Date per Scheduling Order (ECF No. 25)	Stipulated New Date	Event
		motions to exclude expert testimony
April 3, 2023	July 28, 2023	Evaluate case for settlement/ADR
June 30, 2023	October 13, 2023	Plaintiff's Rule 26(a)(3) pretrial
July 14, 2023	October 27, 2023	Defendant's Rule 26(a)(3) pretrial disclosures
July 29, 2023	November 17, 2023	Special Attorney Conference
July 29, 2023	November 17, 2023	Settlement Conference
August 21, 2023	December 5, 2023	Final Pretrial Conference
September 11, 2023	January 15, 2024	Trial

Any provisions of the Scheduling Order not modified above shall remain the same. The parties have submitted herewith a proposed order granting the requested relief.

Respectfully submitted this 29th day of June, 2022.

***Attorneys for Plaintiff Blendtec Inc:***

**DORSEY & WHITNEY LLP**

/s/ Tamara L. Kapaloski

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Nathan D. Thomas (USB #11965)

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 29th day of June, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send an electronic notification to counsel of record for all parties, including the following:

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/s/ Tamara L. Kapaloski